

**IN THE U.S. DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

ARTHUR GINSBERG

v.

JAMES L. DeHART,  
JOHN P. GRIFFITH,  
LANDYA B. McCAFFERTY,  
MARGARET H. NELSON,  
DIANE M. NICOLSI,  
MAX DOES 1 through 12,  
MAXINE DOES 1 through 12,  
NED ZOES 1 through 12,  
NADINE ZOES 1 through 12,

Case No. **1:10-cv-00452**

**PLAINTIFF'S UNOPPOSED MOTION REQUESTING THE COURT TO RULE  
ON PLAINTIFF'S APRIL 5, 2011 OBJECTION (DOC. 36) TO THE REPORT  
AND RECOMMENDATION (DOC. 35) ISSUED ON MARCH 22, 2011 BY  
MAGISTRATE-JUDGE MARGARET J. KRAVCHUK**

NOW COMES Plaintiff, appearing in his pro-se capacity, and hereby respectfully requests that the Court issue a ruling on his Objection (Doc. 36) filed more than two (2) months ago on April 5, 2011. In support thereof, the Plaintiff states:

It is beyond peradventure that judges must issue timely rulings on matters before them and those that fail to do so may frown upon the pro-se party (or lawyer) who presumes to tell the court how to do its job, placing the pro-se party (or lawyer) in the unenviable position known in chess as "Zugzwang," where a player is obliged to move but cannot do so without disadvantage.

Nevertheless, Plaintiff cannot allow the matter to continue ad infinitum without at least reminding the Court to rule.

Plaintiff should not be required to file a costly Petition for a Writ of Mandamus with the First Circuit Court of Appeals in order to obtain a ruling.

On April 5, 2011, Plaintiff filed an uncomplicated ten (10) page 2,603 word Objection with citations to controlling authorities.

As of June 17, 2011, 73 days or 2 months, 12 days have transpired without this Court issuing a ruling.

Plaintiff has made a good faith effort to obtain concurrence in the relief sought by this motion.

Attorney John C. Kissinger, representing Defendant John P. Griffith, takes no position with respect to the relief sought by this motion.

Attorney K. Allen Brooks, representing Defendants James L. DeHart, Landya B. McCafferty, Margaret H. Nelson and Diane M. Nicolosi, takes no position with respect to the relief sought by this motion.

A memorandum of law is not required because the relief sought by this motion is totally within the sound discretion of this Court.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court forthwith issue a ruling on Plaintiff's April 5, 2011 Objection (Doc. 36) to the Report and Recommendation (Doc. 35) issued on March 22, 2011 by Magistrate-Judge Margaret J. Kravchuk, and grant such other relief as is just and equitable.

Dated: June 17, 2011

Respectfully submitted,

/s/ Arthur Ginsberg  
Arthur Ginsberg  
10 Glendale Dr.  
Nashua, NH 03064  
[aginsberg@comcast.net](mailto:aginsberg@comcast.net)

**CERTIFICATE OF SERVICE**

I, Arthur Ginsberg, hereby certify that on this 17th day of June 2011, I served copies of the foregoing Objection on all Counsel of Record via ECF.

/s/ Arthur Ginsberg  
Arthur Ginsberg